

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7036 OF 2005

Suresh Bhagwandas Ahuja . . . Petitioner.

vs.

Parameshwaribai Harchomal

Dimbani and ors. . . Respondents.

Mr. S.S. Patwardhan for petitioner.

Mr. A.B. Vagyani for respondent no.3.

CORAM : S.U. KAMDAR, J.

DATE : 20th December, 2005.

P.C.:

. By the impugned order the petitioner's application to be added as a party is rejected by the trial Court. There is no dispute that the petitioner is the purchaser of the plot of land which is the subject matter of the suit. However, the trial Court dismissed the application on the ground that the petitioner has not produced documents. However, the petitioner produced the documents by taking out another application then the trial Court has refused to look into the same stating that earlier order stands. In my opinion, both the orders are without any merit and are required to be quashed and set aside. The trial Court is directed to implead the petitioner as a

party defendant to the suit and the trial Court shall proceed with the hearing of the suit from that stage. The petition is disposed of accordingly. No order as to costs. Status quo order which is in operation will continue against the present petitioner till he is impleaded as a party and two weeks thereafter only. The respondent plaintiff will be entitled to apply for the necessary reliefs against the added defendant if he so desires.